

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1762 of 1997

with

CIVIL APPLICATION No 8466 of 1997

and

FIRST APPEAL No 1764 of 1997

with

CIVIL APPLICATION No 8467 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT and
MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JASHWANTBHAI HIMATLAL JAGAD

Versus

KETAN NAVINBHAI VYAS

Appearance:

MR DARSHAN M PARIKH for Petitioners

MS MAMTA R VYAS for Respondent No. 1

CORAM : MR.JUSTICE J.N.BHATT and

MR.JUSTICE A.M.KAPADIA

Date of decision: 29/04/98

COMMON ORAL JUDGMENT (Per: J.N. Bhatt, J.)

Admit.

Service of notice is waived by learned advocate Ms. M.R. Vyas for the respondents in both the First Appeals Nos.1762/97 and 1764/97. In both these appeals identical question arising out of composite judgment and, therefore, upon the joint request they are being disposed of by this common judgment.

2. First Appeal No.1762 of 1997 has arisen out of the M.A.C.P. No.407/96, in which, one young boy Ketan Navinbhai Vyas was injured, who was aged about 29 years and studying in Final Engineering, had sustained serious injuries, as a result of which he was assessed to have sustained permanent disablement to the extent of 18% to the working of left leg, on account of a road accident which occurred on 2.6.1996 at about 9.30 p.m. near Nilum Bag Circle, opposite to Vir Bhadra Shopping Centre on Jail Road in Bhavnagar city, who came to be awarded an amount of Rs.3,07,000/- but since the claim was restricted to Rs.3,00,000/- full amount came to be awarded with interest.

3. First Appeal No.1764 of 1997 has arisen out of the M.A.C.P.No.408/96, wherein, one young boy Pranav Upendrabhai Shah, aged about 21 years, claim amount of Rs.1,50,000/- by way of compensation for the injury sustained by him in the aforesaid vehicular accident. The Tribunal upon the assessment of the evidence, awarded an amount of Rs.1,34,000/- by way of compensation against the claim of Rs.1,50,000/- as the claimant had sustained permanent disablement to the extent of 5% in the working of leg.

4. At the stage of submission, the learned advocates appearing for the parties rightly and concisely submitted to reduce an amount of Rs.30,000/- in each matter. Therefore, the amount of Rs.30,000/- shall be deducted from each award. The remaining shall be deposited with proportionate costs and interest within a period of six weeks from today. If any amount deposited so far shall be given set off.

5. Accordingly both these appeals shall stand partly allowed to the aforesaid extent. No order as to costs.

6. The amount of Rs.25,000/- deposited under Section 173 of the Motor Vehicles Act, in each matters shall be transmitted to the Tribunal for passing an appropriate order for disbursement and investment in pro-rata terms

of the impugned award. No order on Civil Applications.

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